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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,797	12/05/2003	Andreas Ihme	224891	2279
23460	7590	05/24/2005		
LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900. 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6780			EXAMINER RINEHART, KENNETH	
			ART UNIT 3749	PAPER NUMBER

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,797

Applicant(s)

IHME ET AL.

Examiner

Kenneth B Rinehart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoe (JP60015189).

Aoe discloses an ... heater, said ... heater including a housing (fig. 1) within which a plurality of radiant tubes (3 fig. 1) are arranged in parallel relation to each other (fig. 1), and said radiant tubes each having a respective adjacent reflector section for directing a predetermined radiation distribution on passing printed sheet material (fig. 1), said ... heater has two radiant tubes arranged in parallel relation to each other in said housing. (fig. 1), said reflector sections are part of a common reflector (fig. 1) an ... radiant heater having a housing with at least two radiant tubes (3, fig. 1) arranged in parallel relation to each other, and reflector sections (fig. 1) each disposed in closely spaced adjacent relation to a respective one of said radiant tubes for directing a predetermined radiation distribution on printed sheet material directed through said printing press (fig. 1, abstract), said reflector sections are part of a common reflector (fig. 1), said reflector sections have a parabolic shape (fig. 1), in which said radiant tubes and reflector sections are disposed within an underside of said housing (fig. 1). Donald discloses applicant's invention substantially as claimed with the exception of excimer. At the time the invention was made it would have been an obvious matter of design choice to a person of ordinary skill in the art to have excimer because applicant has not disclosed that the type of heater provides an

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advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the heater of Aoe or the claimed heater because both heaters perform the same function of drying equally well.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donald (GB2096294A) discloses an ... heater, said ... heater including a housing (fig. 1) within which a plurality of radiant tubes (6 fig. 1) are arranged in parallel relation to each other (fig. 1), and said radiant tubes each having a respective adjacent reflector section for directing a predetermined radiation distribution on passing printed sheet material (fig. 1), said ... heater has two radiant tubes arranged in parallel relation to each other in said housing. (fig. 1), said reflector sections are part of a ... reflector (fig. 1) an ... radiant heater having a housing with at least two radiant tubes (6, 6A, fig. 1) arranged in parallel relation to each other, and reflector sections (fig. 1) each disposed in closely spaced adjacent relation to a respective one of said radiant tubes for directing a predetermined radiation distribution on printed sheet material directed through said printing press (fig. 1, abstract), said reflector sections are part of a ... reflector (fig. 1), said reflector sections have a ... shape (fig. 1), in which said radiant tubes and reflector sections are disposed within an underside of said housing (fig. 1). Donald discloses applicant's invention substantially as claimed with the exception of excimer, parabolic, common. At the time the invention was made it would have been an obvious matter of design choice to a person of ordinary skill in the art to have excimer because applicant has not disclosed that the type of heater, shape of reflector or number of reflectors provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's

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invention to perform equally well with either the heater of Donald or the claimed heater because both heaters perform the same function of drying equally well.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donald (GB2096294A) in view of Piccinino et al (6058621). Donald discloses an ... heater, said ... heater including a housing (fig. 1) within which a plurality of radiant tubes (6 fig. 1) are arranged in parallel relation to each other (fig. 1), and said radiant tubes each having a respective adjacent reflector section for directing a predetermined radiation distribution on passing printed sheet material (fig. 1), said ... heater has two radiant tubes arranged in parallel relation to each other in said housing. (fig. 1), said reflector sections are part of a ... reflector (fig. 1) an ... radiant heater having a housing with at least two radiant tubes (6, 6A, fig. 1) arranged in parallel relation to each other, and reflector sections (fig. 1) each disposed in closely spaced adjacent relation to a respective one of said radiant tubes for directing a predetermined radiation distribution on printed sheet material directed through said printing press (fig. 1, abstract), said reflector sections are part of a ... reflector (fig. 1), said reflector sections have a ... shape (fig. 1), in which said radiant tubes and reflector sections are disposed within an underside of said housing (fig. 1). Donald discloses applicant's invention substantially as claimed with the exception of excimer, parabolic, common. Piccinino teaches parabolic for the purpose of providing more uniform distribution of energy. It would have been obvious to one of ordinary skill in the art to modify Donald by including parabolic as taught by Piccinino for the purpose of providing more uniform distribution of energy to provide for more efficient drying. At the time the invention was made it would have been an obvious matter of design choice to a person of ordinary skill in the art to have excimer because applicant has not disclosed that the type of heater, or number of reflectors

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provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the heater of Donald or the claimed heater because both heaters perform the same function of drying equally well.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B Rinehart whose telephone number is 571-272-4881. The examiner can normally be reached on 7:20 -4:20.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kbr


KENNETH RINEHART
PRIMARY EXAMINER